

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD BANKS,	)	
PLAINTIFF,	)	C.A. No. 06- 253
	)	
v.	)	District Judge Joy Flowers Conti
	)	Magistrate Judge Lisa Pupo Lenihan
JEFFREY A. BEARD, JOHN S.	)	
SHAFFER, DONALD T. VAUGHN,	)	
DONALD WILLIAMSON,	)	
DR. FREDERICK MAUE, DR, LANCE	)	Doc. No. 180
COUTURIER, SUPERINTENDENT	)	
DAVID J. GOOD, MICHAEL F.	)	
KNOTT, KAREN NOLAN, FRANCIS	)	
PIROZOLLA, LADD OWEYO, DAVE	)	
ROBERTS, JAMES HARRINGTON,	)	
JAMIE BOYLES,	)	
	)	
DEFENDANTS.	)	

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

**I. RECOMMENDATION**

It is respectfully recommended that Defendants' Motion for Clarification (doc. no. 180) be granted and that Defendants Beard, Shaffer, Vaughn, Williamson, Maue, Couturier, Roberts, Harrington, and Boyles be dismissed from the case with prejudice and stricken from the docket.

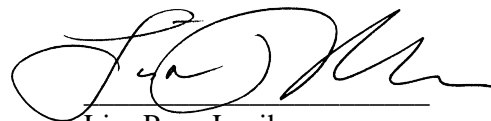
**II. REPORT**

Plaintiff is a prisoner currently confined in the Secure Special Needs Unit (SSNU) at the State Correctional Institution at Retreat, which is located in Hunlock Creek, Pennsylvania. His Amended Complaint (doc. no. 81) alleged violations of 42 U.S.C § 1983 as well as the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-1(a), with regard to the conditions of confinement in the Long Term Segregation Unit (LTSU) and Special Management Unit (SMU) at SCI-Fayette and the SSNU at SCI-Cresson and other state correctional institutions. On November 13, 2010, this Court issued a Report and Recommendation to the District Judge that she grant Defendants' Motion for Summary Judgment (doc. no. 158) except as to Plaintiff's equal protection claims regarding Defendants' denial of his hard cover Qu'ran and his religious headgear.

Defendants point out that the alleged denial of Plaintiff's hardcover Qu'ran and his religious headgear was alleged to have occurred at SCI-Cresson. These allegations do not seek to impose liability against John S. Shaffer, Donald T. Vaughn, Donald Williamson, Frederick Maue, Lance Couturier, Dave Roberts, James Harrington, and Jamie Boyles as these individuals were not at SCI-Cresson during the relevant time period. Nor do these allegations seek to impose liability against Defendant Beard. Consequently, Defendants seek an order dismissing defendants Beard, Shaffer, Vaughn, Williamson, Maue, Couturier, Roberts, Harrington, and Boyles from the case with prejudice, and striking those defendants from the docket. This Court agrees.

Consequently, for the reasons set forth above, it is respectfully recommended that Defendants' Motion for Clarification (doc. no. 180) be granted and that Defendants Beard, Shaffer, Vaughn, Williamson, Maue, Couturier, Roberts, Harrington, and Boyles be dismissed from the case with prejudice and stricken from the docket.

Pursuant to the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Civil Rules, the parties are allowed to file objections in accordance with the schedule established in the docket entry reflecting the filing of this Report and Recommendation. Failure to timely file objections may constitute a waiver of any appellate rights. Any party opposing objections may file their response to the objections in accordance with Local Civil Rule 72.D.2

A handwritten signature in black ink, appearing to read 'Lisa Pupo Lenihan', written over a horizontal line.

Lisa Pupo Lenihan  
U.S. Magistrate Judge

Dated: February 16, 2010

Ronald Banks, DZ-5843  
SCI Retreat  
660 State, Route 11  
Hunlock Creek, PA 18621-3136